

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DEUSCHEL,
Plaintiff,

v.

CALIFORNIA HEALTH AND HUMAN
SERVICES AGENCY,
Defendant.

Case No. 23-cv-03458-MMC

**ORDER ADOPTING REPORT AND
RECOMMENDATION; DISMISSING
FIRST AMENDED COMPLAINT
WITHOUT FURTHER LEAVE TO
AMEND**

Before the Court is the Report and Recommendation, filed March 25, 2024, whereby Magistrate Judge Lisa J. Cisneros recommends the Court dismiss plaintiff Michael Deuschel's First Amended Complaint ("FAC") without further leave to amend. In response thereto, plaintiff, on April 8, 2024, filed an "Objection to Report and Recommendation." Having read and considered the Report and Recommendation and the Objection thereto, the Court rules as follows.

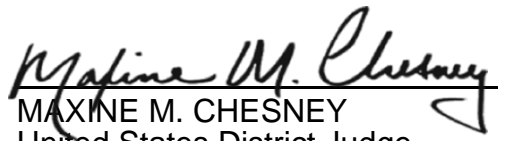
The FAC names twenty-six defendants. As correctly set forth in the Report and Recommendation, the FAC contains the same deficiencies Magistrate Judge Cisneros identified when dismissing the initial complaint with leave to amend. In particular, the FAC, as was the case in the initial complaint, primarily includes conclusory allegations and, where facts are set forth, those allegations lump the twenty-six defendants together, sometimes with others who are not named as defendants, thereby failing to give each of the named defendants sufficient notice of the factual basis of the claims asserted against that defendant. Although plaintiff, in his Objection, quotes a number of allegations set forth in the FAC that, he contends, suffice to state cognizable claims, those allegations are conclusory and/or lump the defendants together, and, consequently, are deficient for

1 the same reasons as previously pointed out to plaintiff by Magistrate Judge Cisneros.
2 Further, the Court notes that plaintiff has not, either in his Objection or otherwise,
3 requested further leave to amend, nor has plaintiff suggested any revisions he could
4 make to the FAC that would suffice to give proper notice to each defendant.

5 Accordingly, the Report and Recommendation is hereby ADOPTED and the FAC
6 is hereby DISMISSED without further leave to amend.

7 **IT IS SO ORDERED.**

8
9 Dated: April 16, 2024


MAXINE M. CHESNEY
United States District Judge

United States District Court
Northern District of California